

REMARKS

The following remarks and above amendments are responsive to the Official Action mailed February 7, 2007.

As an initial matter, Applicants' representative wishes to thank Examiners Cobanoglu and Bleck for taking the time on April 18, 2007, to conduct a telephone conference to discuss this matter. The Examiners suggested amending the claims to clarify the relationship between the tracking code and storage device which stores patient information. As such, independent claims 1, 8, 16, 27 and 31 were amended. Claims 17 and 18 were canceled. Claims 1-16 and 18-36 are pending. No new matter has been added.

Claims 1-36 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,651,775 to *Walker et al.*

Independent claim 1 has been amended to recite that the tracking code is "located on at least one of said source and said holder", that the tracking code is a unique identifier associated "with the identification of said drug to be administered from" the source, that the tracking code enables the tracking of all "data to be stored on a remote storage device" relating to the drug being administered without alteration of said tracking code, and that "the tracking code adapted to retrieve said data stored on said storage device." Support for such amendments can be found throughout the specification. No new matter has been added. Independent claims 8, 16, 27 and 31 have also been amended to clarify that the tracking code is located on a source, the patient data is stored on a storage device and that the tracking code is used to retrieve such data from the storage device. It is believed that such amendments clearly distinguish the claims of the present application from that which is cited in *Walker* for the following reasons.

In the Office Action, the Examiner references col. 2, lines 7-19 of *Walker* and asserts that such passage discloses data and a tracking code to retrieve the data from a storage device as in the claimed invention. A closer examination of the above passage reveals that *Walker* employs a scanning module which uses bar code techniques to read a label affixed to a cradle. The label contains information including a code identifying the drug contained in the syringe, size of the syringe, syringe type, preparer of the drug, etc. In other words, in *Walker*, data related to the source (drug) is contained in the bar-coded label, whereas, in the claimed invention, any such data is stored on a storage device and capable of being retrieved using the tracking code affixed to the device. In sum, *Walker* does not disclose "a tracking code located on at least one of said source and said holder", the tracking code being a unique identifier associated "with the identification of said drug to be administered from" the source, the tracking code enabling the tracking of all "data to be stored on a remote storage device" relating to the drug being administered, and "the tracking code adapted to retrieve said data stored on said storage device" as recited in amended claim 1 of the present invention. Claims 8, 16, 27 and 31 recite similar subject matter and should be patentably distinct from *Walker* for at least the same reasons as claim 1.

Moreover, during the interview the Examiner made reference to additional passages at col. 10, lines 19-65 and col. 15, lines 30-65 of *Walker* and asserted that such passages disclose the claimed invention. Applicants respectfully disagree for the following reasons.

Turning to the first passage at col. 10, lines 19-65 of *Walker*, described is a process of administering a drug to a patient that includes reading bar code data from a label affixed to a cradle unit which is used to check the name of the drug

derived from the bar code. Again, as mentioned above, in *Walker*, data related to the source (drug) is derived from the bar-coded label, whereas, in the claimed invention, any such data is stored to and retrieved from a storage device using the tracking code affixed to the source.

Turning to the second passage at col. 15, lines 30-65 of *Walker*, described is an LCD used to display information during the operation of the system. In particular, the information displayed on an LCD display is updated as "syringes are changed or additional drugs are delivered to the patient." (col. 15, lines 46-47 of *Walker*). However, as explained above, in *Walker*, bar code information is read from labels affixed to the syringes, and it is that information that is displayed on the LCD display. In other words, the data that is displayed is derived from the bar-coded label, whereas, in the claimed invention, any such data is stored to and retrieved from a storage device using the tracking code affixed to the source.

For at least the above reasons, it is respectfully submitted that claims 1, 16, 27 and 31, and respective dependent claims, are patentably distinct from *Walker*.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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